

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

JOHN HAUGE and AMANDA HAUGE,) CASE NO. C09-1406Z

Plaintiffs,

v.

ASH GROVE CEMEMT COMPANY, a)

Delaware Corporation,

Defendant.

) MINUTE ORDER

The following Minute Order is made by direction of the Court, the Honorable
Thomas S. Zilly, United States District Judge:

- (1) Plaintiff has moved for partial summary judgment, docket no. 15, seeking dismissal of defendant's second affirmative defense: allocation of fault to third parties. Defendant does not oppose dismissal of the affirmative defense, but requests that the dismissal be without prejudice so that the defense may be revived if discovery reveals that a third party bears some portion of fault for the injuries caused to plaintiff. Resp., docket no. 16. Plaintiff has filed no reply disputing the propriety of dismissal without prejudice. Accordingly, the Court hereby GRANTS plaintiff's motion for partial summary judgment, docket no. 15, and DISMISSES defendant's second affirmative defense without prejudice.

01 (2) The Clerk is directed to send a copy of this Minute Order to all counsel of
02 record.

03 Filed and entered this 27th day of July 2010.

04 BRUCE RIFKIN, Clerk

05 s/ Claudia Hawney

06 By:

07

Claudia Hawney

08 Deputy Clerk